

PERMISSION TO CONSIDER ON FRIDAY, JULY 12, 1996, H.R. 2428, FOOD AND GROCERY DONATION ACT, UNDER SUSPENSION OF THE RULES

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that on Friday, July 12, 1996, the Speaker be authorized to entertain a motion, offered by the gentleman from Pennsylvania, Mr. GOODLING, or his designee, to suspend the rules and pass H.R. 2428 as amended, a bill to encourage the donation of food and grocery products.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, on Wednesday July 10, 1996, I was granted a leave of absence and I missed a series of votes.

On rollcall vote number 295, I would have voted no.

On rollcall vote number 296, I would have voted no.

On rollcall vote number 297, I would have voted yes.

On rollcall vote number 298, I would have voted yes.

On rollcall vote number 299, I would have voted no.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3396.

□ 0040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today, the House begins its consideration of H.R. 3396, the Defense of Marriage Act. H.R. 3396 has two operative provisions. Section 2 of the bill reads as follows:

No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act,

record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

This provision invokes Congress' constitutional authority, under Article IV, section 1, to prescribe the effect that shall be given the public records, acts, and proceedings of the various States. This section provides only that States "shall not be required" to recognize same-sex marriage licenses issued by other States. It would not prevent any State from permitting homosexual couples to marry, just as it would not prevent any State from choosing to give full legal effect to same-sex marriages contracted in other States. It means only that they are not required by the Full Faith and Credit Clause to do so.

It appears that gay rights lawyers are soon likely to win the right for homosexuals to marry in Hawaii, and that they will attempt to "nationalize" that anticipated victory under force of the Full Faith and Credit Clause of the U.S. Constitution. I do not believe that other States would necessarily be required, under a proper interpretation of that Clause and the "public policy" exception to it, to give effect to a Hawaiian same-sex marriage license.

But here is the situation we confront: Gay rights lawyers have made plain their intention to invoke the Full Faith and Credit Clause to persuade judges in the other 49 States to ignore the public policy of those States and to recognize a Hawaiian same-sex marriage license. This strategy is no secret; it is well documented. I would hope that judges would reject this strategy. But we all know that some courts will go the other way. That explains why, as we learned at our hearing, over 30 States are busily trying to enact legislation that will assist their efforts to fend off the impending assault on their marriage laws. There is, in short, disquiet in the States over how this legal scenario will play out.

The strategy the gay rights groups are pursuing is profoundly undemocratic, and it is surely an abuse of the Full Faith and Credit Clause. Indeed, I cannot imagine a more appropriate occasion for invoking our constitutional authority to define the States' obligations under the Full Faith and Credit Clause. As Representative Torrance Tom from Hawaii testified before the Subcommittee: "If inaction by the Congress runs the risk that a single Judge in Hawaii may re-define the scope of legislation throughout the other forty-nine states, [then] failure to act is a dereliction of the responsibilities [we] were invested with by the voters."

Section 3 of the bill is even more straightforward. It proves that, for purposes of federal law only, "word 'marriage' means only a legal union between one man and one woman as hus-

band and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife." Again, this is a reaction to the Hawaii situation. Prior to the Hawaii Supreme Court decision there was never any reason to define the words "marriage" or "spouse" in federal law, because the laws of the fifty States were uniform in defining them exclusively with reference to heterosexual unions. But now, it is necessary to make explicit in the federal code Congress' well-established and unquestionable intention that "marriage" is limited to unions between one man and one woman. Section 3 changes nothing; it simply reaffirms existing law.

I would note that the Clinton administration Justice Department believes that H.R. 3396 is constitutional. President Clinton, more over, has indicated that he "would sign the bill if it was presented to him as currently written."

I'd make just one final point. Opponents of this bill have been quick to allege that its sponsors are motivated by crass political considerations; they have argued, in effect, that we have contrived this issue in order to score political points. In light of the Hawaii situation, the proclaimed intention of the gay rights lawyers, and the strong bipartisan support for the bill, this simply is not a credible argument. It is, rather, an argument designed to shift the focus of debate away from the fundamental issues at stake in this controversy.

What is at stake in this controversy? Nothing less than our collective moral understanding—as expressed in the law—of the essential nature of the family—the fundamental building block of society. This is far from a trivial political issue. Families are not merely constructs of outdated convention, and traditional marriage laws were not based on animosity toward homosexuals. Rather, I believe that the traditional family structure—centered on a lawful union between one man and one woman—comports with nature and with our Judeo-Christian moral tradition. It is one of the essential foundations on which our civilization is based.

Our law should embody an unequivocal recognition of that fundamental fact. Our law should not treat homosexual relationships as the moral equivalent of the heterosexual relationships on which the family is based. That is why we are here today.

□ 0045

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just exercise my objection to the way this House is being run. If this is such an important issue, why are we debating this at a quarter to 1? I must say that for an important piece of legislation like this to

be treated in this fashion is quite shabby.

Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, this debate really is about a simple question, a question of equal rights. Marriage is a basic right. It is a basic human right. Love and commitment are essential pillars of marriage. They are qualities that do not discriminate on account of gender. It is not right for this Congress to step in and to intrude into the private relationships and the most personal decisions of our constituencies. Love and commitment can exist between a man and a woman and it can and does exist between men and between women.

Proponents of this curiously titled bill say that we need legislation to protect the family. Nothing could be further from the truth. Families are not threatened when two adults who love each other make a lifelong commitment to one another. Families will not fall apart if gay men and women are allowed to marry, if they are allowed the same basic legal right to marry that is already enjoyed by heterosexuals.

This is not about defending marriage. It is about finding an enemy. It is not about marital union. It is about disunion, about dividing one group of Americans against another. This bill is unconstitutional, this bill is unfair, and the spirit behind this bill further fans the flames of prejudice and bigotry that this 104th Congress has done a pretty good job at fanning thus far.

I think it is a travesty that people would bring this bill out simply to polarize Americans even further. Instead of bringing love and commitment and worshiping that in our society, this bill sows the seeds of division and hatred amongst people. I think that is a very unfortunate thing.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the institution of marriage and this bill, which seeks to uphold and preserve traditional heterosexual marriage, the fundamental building block of our society.

Mr. Chairman, it is true that the institution of marriage, understood to be the social, legal and spiritual union of one man and one woman, has been the foundation of every human society. In 1988 the U.S. Supreme Court described marriage, quote, as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution.

In the 1970's, the Minnesota State Supreme Court went further by stating that, quote, the institution of marriage as a union of man and woman uniquely involving the procreating and rearing of children within the family is as old as the Book of Genesis.

Most Americans who are still up at this hour will think it odd that we are actually considering legislation to define marriage as an exclusively heterosexual monogamous institution when, in fact, in the history of our country marriage has never meant anything else. It is inherently reserved for one man and one woman. As Webster's Dictionary states, quote, marriage is the institution whereby a man and a woman are joined in a special social and legal relationship.

Furthermore, I believe that marriage is a covenant established by God wherein one man and one woman are united for the purpose of founding and maintaining a family. H.R. 3396 solidly reinforces these previous U.S. and State Supreme Court findings by simply restating the current and long-established understanding of marriage as the social, legal and spiritual union of one man and one woman.

The President, who has promised his support for this legislation, and promised to sign this bill, said it very well at the National Prayer Breakfast this past January. He said, "We know that ultimately this is an affair of the heart, an affair of the heart that has enormous economic and political and social implications for America, but, most importantly has moral implications, because families," he said, "are ordained by God as a way of giving children and their parents the change to live up to the fullest of their God-given capacities."

The President is absolutely right.

Mr. Chairman, I am convinced that our country can survive many things, but one thing it cannot survive is the destruction of the family unit which forms the foundation of our society. Those among us who truly desire a strong and thriving America for our children and grandchildren will defend traditional heterosexual marriage and will vote for final passage of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from San Francisco, CA [Ms. PELOSI], a great champion of human rights.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his strong leadership on this important issue and other issues of civil and human rights in this country and throughout the world.

Mr. Chairman, I rise in strong opposition to this ill-named Defense of Marriage Act and I do so on the basis of conscience, Constitution and constituency.

This legislation in terms of the Constitution, I believe, violates the spirit of the Constitution's full faith and credit clause as well as its equal protection provisions. It also is quite ironic to me that the Republican Party, which is a strong advocate for States' rights, now wants to override the will of the States and this is all in the hypothetical at that.

As a matter of conscience, I am opposed to this legislation because I be-

lieve it is a blatant act of discrimination. It is also disappointing that it is happening at this time because last week on the Fourth of July we celebrated our country's independence and our country's greatness. This week we are acting to diminish that greatness by saying to some members of our society that they are not equal under the law. Who is next? This bill is an insult to gays and lesbians in our country. Who is next? That brings me to my constituency.

I have the privilege of representing the most diverse population of any district in the country. I know there will be those who say their districts are as diverse but I do not think anyone's is more diverse than mine. In my district, I can easily see and say that the beauty is in the mix. I want to be sure that the power is also in the mix, the power for all of those different people to make their own decisions about their personal lives, the power for them to reach their own fulfillment, newcomer or old guard, black, brown, white or yellow, gay or lesbian.

Those decisions and that fulfillment include those affecting their life, liberty and pursuit of happiness. We value family in our community as a source of strength to our country and a source of comfort to our people. What constitutes that family is an individual and personal decision. But it is for all a place where people find love and support. If that happens to be with people living together of the same sex or of different sex, if it happens platonically or not, if it happens that they find comfort and love and support, God bless them.

Let me tell you about two very special constituents of mine who have lived together for over 25 years. Their commitment, their love and their happiness are a source of strength to all who know them. Their relationship—I hold this up so you can all see—is not a threat to anyone's marriage. This is Phyllis Lyons and Dell Martin. Phyllis has two grandchildren. Phyllis and Dell have been leaders in our community and command the respect of all who know them. Why should they not be able to share each other's health and bereavement benefits? Why should they not be able to visit each other in the hospital in case of accident or in case of illness? I know people will say, you can sign up in advance and tell the doctor before you go in for the operation. That does not happen is you are in an accident. Why should they not be able to share a financial relationship inheritance, immigration, the list goes on and on.

Why should they not have the full protection of the law? All of our community in our area are in debt to Phyllis and Dell for their contribution to the community, serving on commissions, they have been officially recognized over and over again in the course of their years of service. Tonight I am again in their debt for allowing me to share their personal history with you. I

thank them for doing that, and I say to all of you, if you knew Phyllis and Dell and many hundreds of thousands of people that I know like them, why would you not want them to be treated equally?

But I ask you to make a more personal question of yourselves. Should you find yourself in a situation where your children or your close relatives or your close friends find solace, happiness, comfort, love, support in a relationship that is appropriate for them, would you not want them to have the legal recognition that they deserve? It is not again a threat to anyone.

Mr. Chairman, I wish I could go into what is a threat to marriage in this country, but with that I urge my colleagues to think carefully before discriminating against anyone in this country. I urge our colleagues to vote "no" on this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise in strong support of the Defense of Marriage Act and begin by saying that the reason that it is called the Defense of Marriage Act is very simple and very plain. There is an active court action in the State of Hawaii that is scheduled—some say as long as two years from now, earlier it was reported it could be as early as the first week in August—that they would rule that same-sex marriages are in order and according to the full faith and credit clause of the Constitution that a couple could fly from any part of the country to the State of Hawaii, receive a marriage certificate in that State, return to their home State and be obligated in that State, potentially be obligated in that State, that State would have to honor that marriage certificate. There is a very radical element that is in the process of redefining what marriage is.

We do not need to explain that for thousands of years and across many, many different cultures, a definition of marriage that transcends time has always been one man and one woman united for the purposes of forming a family. But that very definition is under assault. There have been many people that have spoken already this evening that have said, this is about equal rights, or this is about discrimination. Let me just say first of all that this is not about equal rights. We have equal rights.

□ 0100

Homosexuals have the same rights as I do. They have the ability to marry right now, today. However, when they get married, they must marry a person of the opposite sex, the same as me. That is the same right that I have. Now, I would also say that, just like a homosexual, I do not have the right to marry somebody of the same sex. It is the same for them as it is for me. There is no disparate between this rights issue.

Further, I would say that marriage is not a right in the first place. It is a privilege. That really brings me to another subject, when we talk about this bill defining for Federal purposes what constitutes a marriage, one man and one woman. There is, as I said, a radical element, a homosexual agenda that wants to redefine what marriage is. They want to say that a marriage not only is one man and one woman but it is two men or it is two women.

What logical reason is there to keep us from stopping expansion of that definition to include three people or an adult and a child, or any other odd combination that we want to have? There really is no logical reason why we could not also include polygamy or any other definition to say, as long as these are consenting human beings, and it does not even have to be limited to human beings, by the way. I mean it could be anything. But what rational reason, logical reason is there to say no, it is okay for two males or two females but we are not going to expand the definition beyond that. There is no reason why we cannot just completely erase whatever boundaries that currently exist on the definition of marriage and say it is a free-for-all, anything goes.

It has also been said many times that the reason that this bill is being brought forth in the House of Representatives and later in the Senate is because of political reasons. I would just also reiterate the fact that the President is waiting for this bill at this moment. He has said many times that now is the time to act and to reaffirm the fact that marriage constitutes one man and one woman.

The President has already agreed to sign this bill. This is not a wedge issue. This is not a political football that is going back and forth between presidential candidates. We need to move on this bill as quickly as possible and reaffirm marriage as the foundation and the cornerstone of our society.

Mr. FRANK of Massachusetts. Mr. Chairman, before yielding to the gentleman from Illinois let me say that the previous speaker said that this might be decided as early as the first week of August. There is not a shed of evidence of that. The trial of this issue is going to begin in September in Hawaii. Now, how a trial that is going to begin in September could be decided in the first week of August baffles me but no more than a lot of the other things he said.

Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, without question, we've heard some puzzling arguments in favor of the Defense of Marriage Act.

But at least one good thing has come from this debate.

I think everyone understands better when to take my Republican friends seriously and when they are just having a good laugh at the expense of the American people.

I now realize that my friends on the other side of the aisle aren't the least bit serious when they talk about how important it is for the federal government not to interfere in the lives of our people.

I understand that they are just kidding—just teasing us—when they stress the importance of taking power out of Washington and giving it to local officials.

And now I know that their biggest joke of all is that old line about the importance of family values—all that talk about encouraging people to care about and be committed to each other.

Because the bill that most of my friends on the other side of the aisle are supporting tonight represents the polar opposite of all those lofty goals we've heard them talk so much about.

The misleadingly titled "Defense of Marriage Act" is the ultimate in Washington bureaucracy dictating to the American people how they should live their lives.

And it is an outstanding example of telling state officials how they should legislate and make policy.

This should be a simple issue.

Unfortunately, for many of my colleagues on the other side of the aisle, that simple issue is politics.

It's as simple as exploiting fears and promoting prejudice.

But something more important than looking for a few extra votes should be simple, too.

Seeking fairness.

Seeking an America where, all people are treated the same under the law, in every aspect of their lives—from choosing where they live to who they marry.

And one more thing should be simple. Promoting freedom.

Making sure that all Americans have the freedom to live their personal lives in exactly the way they choose.

Without being discriminated against. Without being stopped or harassed by a meddling federal government. Without being prevented by legislators from deciding what is best for them.

I think the debate we hear tonight is the very reason so many Americans are troubled by politicians exploiting the idea of "family values."

I don't know many Americans—regardless of their political party, race, religion or sexual orientation—who don't believe that family values are vitally important.

But I also don't know many Americans who want a couple of hundred politicians in Washington to impose their values on everyone else's families.

Let me tell you about some very basic values I think we're talking about when we stand up against this bill.

The values of people who love each other. People who share each other's lives. People who care about their future and the future of those around them. People who want to make a commitment that is legal and official and is important to them.

To me, that sounds like family values.

And all of the noise we hear on the other side of the aisle sounds like politics as usual.

I encourage my colleagues in the house today—and I don't say this very often—give my Republican friends what they say they want.

Real family values. And more local control. And a federal government that stays out of American's lives.

There's only one way to do that.

Vote to defeat the Defense of Marriage Act.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. COBURN].

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Chairman, we have heard a lot tonight already. We heard a lot in the debate on the rule about discrimination. We just heard about family values. I do not think it is about any of those things. The real debate is about homosexuality and whether or not we sanction homosexuality in this country.

Mr. Chairman, I come from a district in Oklahoma who has very profound beliefs that homosexuality is wrong. I represent that district. They base that belief on what they believe God says about homosexuality. It is what they believe God says about it. What they believe is, is that homosexuality is immoral, that it is based on perversion, that it is based on lust. It is not to say that the individual is any less valuable than anybody that might believe that, but it is discrimination towards the act, not towards the individuals. That should be something that we stand for, that should be something that we stand on.

So I support the Defense of Marriage Act for many reasons, but I support it because my district supports it. My district says it is time to say that homosexuality should not be sanctioned on an equal level with heterosexuality, and there are lots of reasons to back that up.

If you look at some of the studies that are put forward to say homosexuality is equal to heterosexuality, all you have to do is look at the number of partners on average that we see with homosexuality, and there are studies to say that over 43 percent of all people who profess homosexuality have greater than 500 partners. There are studies that would say that. The point being is I stand here representing my district to say homosexuality, the act of homosexuality, not the individual, is immoral, it is wrong. We should say that and we should not be afraid to stand on the very principles of our beliefs.

We can claim our beliefs, we can claim to represent the beliefs of those whom we represent, and we should stand for that. Others have different beliefs, I recognize that, and I would yield to their beliefs. But for me and

my district, I am going to yield to the beliefs that we hold. I believe it is discrimination against the act and not the individual.

We hear about diversity, but we do not hear about perversity, and I think that we should not be afraid to talk about the very issues that are at the core of this. This is a great debate that we are going to have in our country, and it is not going to end with the debate on this bill. The fact is, no society that has lived through the transition to homosexuality and the perversion which it lives and what it brought forth.

It is not to say that the individuals are any less valuable or any less bright, but the fact is it is morally wrong, and I stand on that statement.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS] because I cannot think of a more fitting response, since he would not yield on the question of morality and discrimination, than one of the great heroes of the fight against discrimination in our lifetime.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague for yielding me the time.

Let me say to the gentleman that when I was growing up in the south during the 1940s and the 1950s, the great majority of the people in that region believed that black people should not be able to enter places of public accommodation, and they felt that black people should not be able to register to vote, and many people felt that was right but that was wrong. I think as politicians, as elected officials, we should not only follow but we must lead, lead our districts, not put our fingers into the wind to see which way the air is blowing but be leaders.

Mr. Chairman, this is a mean bill. It is cruel. This bill seeks to divide our nation, turn Americans against Americans, sew the seeds of fear, hatred and intolerance. Let us remember the Preamble of the Declaration of Independence: We hold these truths self-evident that all people are endowed by their creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness.

This bill is a slap in the face of the Declaration of Independence. It denies gay men and women the right to liberty and the pursuit of happiness. Marriage is a basic human right. You cannot tell people they cannot fall in love. Dr. Martin Luther King, Jr. used to say when people talked about interracial marriage and I quote, "Races do not fall in love and get married. Individuals fall in love and get married."

Why do you not want your fellow men and women, your fellow Americans to be happy? Why do you attack them? Why do you want to destroy the love they hold in their hearts? Why do you want to crush their hopes, their dreams, their longings, their aspirations?

We are talking about human beings, people like you, people who want to get

married, buy a house, and spend their lives with the one they love. They have done no wrong.

I will not turn my back on another American. I will not oppress my fellow human being. I have fought too hard and too long against discrimination based on race and color not to stand up against discrimination based on sexual orientation.

Mr. Chairman, I have known racism. I have known bigotry. This bill stinks of the same fear, hatred and intolerance. It should not be called the Defense of Marriage Act. It should be called the defense of mean-spirited bigots act.

I urge my colleagues to oppose this bill, to have the courage to do what is right. This bill appeals to our worst fears and emotions. It encourages hatred of our fellow Americans for political advantage. Every word, every purpose, every message is wrong. It is not the right thing to do, to divide Americans.

We are moving toward the 21st century. Let us come together and create one nation, one people, one family, one house, the American house, the American family, the American nation.

□ 0115

Mr. CANADY of Florida. Mr. Chairman, I yield 8 minutes and 30 seconds to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman of the Subcommittee on the Constitution for yielding time to me.

Mr. Chairman, when this issue first came up earlier this year, some constituents back home approached me and they said, Bob, if somebody had come to you two years ago or three years ago, when you were contemplating running for the Congress of the United States of America and said, Bob, one of the things that you are going to have to draft up and champion in the Congress of the United States is a piece of legislation that defends against an assault on the institution of marriage. And it is going to be necessary in that piece of legislation to define marriage as the legal union between one man and one woman, and it is going to be essential that you do that.

I probably would have said they were crazy.

This is America. This is America. This is the land that has as its most basic building block the family unit, a marriage between a man and a woman. But here we are, and it is indeed an issue.

It is an issue that is being used by the homosexual extremists to divide America. It is part of a deliberate, coldly calculated power move to confront the basic social institutions on which our country not only was founded but has prospered and will continue to prosper, thank you.

For those who say it is just a hypothetical issue, look here. This is one of the homosexual groups that espouses

the various things that we are hearing on the other side. They say, many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the country expecting full legal recognition of their unions.

That is their plan. They are bent on carrying it out. I kid you not, they will try to do it.

The legislation before us today simply stands up and says, enough is enough. There is not one other country in the world, not one other country on the face of the earth, for heaven's sake, that is doing what the judges in Hawaii are poised to do and from there use that as a launching pad all across America to do, and that is to throw out the window the very definition of the building block on which our society and all societies in the world are founded. Not one other country in the world has taken this extreme, radical step. America would be the first.

I do not stand here with anger. I think this is a great day for America, to stand here and debate an issue of such fundamental importance that vast majorities of our citizens, even in Hawaii, believe is an important issue. They are saying, stand up for marriage, stand up for the basic building blocks on which our society is founded. Stand up to the extremists. I hear them and I believe a vast majority of Members in both bodies, indeed, the President of the United States himself hears those voices, and we are responding to them as representatives ought to do.

The issue is a very real one. It is not just the extremist homosexual groups that are pushing this agenda. It is people in the White House. It is people in the Washington Post, the Washington Blade. To them marriage means just two people living together alone. Is that not sweet? In other words, it means absolutely nothing.

Now, if folks on the other side believe that homosexual relationships are just great and if they believe that marriage should mean simply people doing whatever it is they want to do, then fine, say that. And bring out the dictionaries and let us completely change what marriage means. Marriage does not mean two men or two women getting married. It just does not mean that. You can say it does, but it does not. You are talking about something completely different. If that is what you want, then come up with legislation and say, that is what we want. We want to redefine the basic building block on which our society was founded, and then let us have a debate about it.

But do not come here and debate the legitimate claim that we are doing something wrong, that we are being divisive by standing up to extremists who are bent on completely eradicating the concept of marriage as all civilizations not only know it but have known it.

This legislation goes no further than is absolutely essential, Mr. Chairman, to meet this very specific challenge. It is indeed a challenge, as we can see by the groups advocating it and as can be seen by the court case in Hawaii. It is not a hypothetical court case. The Supreme Court of Hawaii has made very clear in rulings already on record that they believe in their minds it is unconstitutional in the Hawaiian Constitution to deny a marriage license to two people of the same sex. They have told the lower courts that it is almost impossible, virtually impossible for the lower courts not to reach that same decision or, if they do not, it is going to be overturned on appeal.

In other words, my colleagues, the courts in Hawaii are going to recognize homosexual marriages, and these groups are then going to take those marriage licenses, so-called marriage licenses, pieces of paper that purport to be marriage licenses and come to the mainland.

The fact of the matter is that, even though many of us believe that the full faith and credit clause of our Constitution cannot be used, should not be used to override the public policy of the different States, the fact of the matter is, none of us know how the courts are going to rule on these things. So in an exercise of responsibility and in an exercise of proper role of federalism, we have crafted the Defense of Marriage Act. It simply says, this is the status quo and no one State of the Union can have its decision of its people overridden, run roughshod by people from judges from another State.

I forget who it was over here on the other side talking about that being an erosion or trampling of States rights, good heavens. We are saying that States have those rights and maintain that right. This legislation simply reaffirms it, Mr. Chairman.

The only other thing that it does, also clearly within the purview of the jurisdiction of the Congress, is to define the reach of Federal statutes that concur legitimate Federal benefits on its citizens, to define it for purposes of determining spouses and marriage, what it has meant over the entire long history of western civilization. And that is that marriage means, does mean, always will mean legal union between one man and one woman.

I strongly urge passage of and support for the Defense of Marriage Act.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, H.R. 3396 outlaws something that does not even exist. It tramples over the Constitution. It flies in the face of States rights, and it plays into the hands of the radical right, those who are trying to divide our country by scapegoating gays and lesbians. But let us move be-

yond the bill's numerous flaws and look at how it will affect American families. Let us look at what it will mean to my family.

Last month my youngest son married a wonderful young woman. As friends and family gathered to celebrate their commitment to each other, the State of California also granted them the legal benefits of marriage. This bill, however, would ensure that another of my sons will never have the same options nor the protections that come with marriage. In fact, even the most basic rights of marriage that my youngest son already takes for granted, such as the ability to visit his spouse in a hospital, could be denied to his brother, denied because of his sexual orientation.

Mr. Chairman, let us not reduce ourselves to being pawns for the radical right. Let us not turn the House of Representatives into a political convention for extremists. For once let us reject fear, embrace tolerance and move this Nation forward without leaving anyone behind.

I urge my colleagues to defeat this really mean-spirited bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in opposition to this bill and I oppose it with both my head and my heart. My head, because my brain and my legal training tell me that there are constitutional flaws in this particular bill. My heart speaks even more strongly to tell me that this is wrong. Wrong because in America, rights are not for some but not for others. We do not have one-half citizenship or three-quarters citizenship for some people and different kinds of citizenship for another. We treat all of our citizens the same.

I took a look at the marriage vows, because I tried to decide what it is exactly that we want to keep people from having under this bill. When you take generic wedding vows that are accepted in many churches you find words like this: I so-and-so take you to be my wedded husband, wife, to have and to hold. And I thought, to have and to hold, which people is it that we want to forbid to have a committed relationship, to be sustained by the love of another person.

For better for worse, I ask again, which people are there that we want to make sure should not have a soul mate, a partner in life's struggle, someone to laugh with, someone to cry with, someone to work with, to improve their lives, to support one another through good times and bad.

I looked at the words "in sickness and in health" and I asked myself, what people does the government want to keep from having a partner who will nurture them, who will nurse them, who will wipe their brow, who will hold their hand when they are ill. I could not find any.

I looked at the words "to love and to cherish" and I asked myself, who does the government want to keep from being the center of another person's life. Who do we want to stop from being hugged, held, adored?

I looked at the words "I promise to be faithful to you until death parts us" and I asked myself, as a matter of public policy, who do we want to forbid from a monogamous promise. And given the comments made earlier about promiscuity, I cannot imagine who that would be.

Love is not a zero sum game, Mr. Chairman. One couple's love is not a threat to another. Today's marriages are threatened by a lack of commitment, a lack of maturity and a lack of fidelity. To argue any other thing else is specious.

□ 0130

I hope that all Members and all Americans will let their conscience be their guide on this despicable bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes, 45 seconds, to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, we began our national life by declaring that all men are created equal. We did not really mean it. We meant that all white men of property are created equal. The history of this country is largely the history of expanding that definition to all white men, to white men and black men, to white men and black men and white women and black women. We have achieved all that, but we said we want to achieve all that. We are just beginning to go down that road for gay and lesbian people. We still permit discrimination by law. We are just beginning to expand that definition, and we will.

The arguments against gay and lesbian marriage are essentially the same argument that we used to hear against black-white marriages. We had antimiscegenation laws in this country. I have no doubt that one day we will permit in every State in this Union, and we will celebrate, gay and lesbian marriages. One day we will look back and wonder why it was ever thought controversial to allow two people who wanted to share each other's lives in a committed, monogamous relationship to undertake the obligations and benefits of marriage, why it was ever thought that allowing gay and lesbian people to visit each other in the hospital or to share each other's pension rights posed a threat to marriages of heterosexual people.

But the bill before us today is not designed to solve a real problem. It is designed to appeal to fear and prejudice and hatred and bigotry. It is also a fraud.

We are told we must pass this bill to protect our States from being compelled by the Constitution's full faith and credit clause to recognize same-sex marriages entered into in Hawaii. Aside from the fact they were a year or

two away from Hawaii making any such decision, the full faith and credit clause does not compel or would not compel States to do such a thing. The public policy exception that today allows New York or Connecticut to refuse to recognize a 15-year-old marriage entered into in States which permit 15-year-old marriages would permit States on public policy grounds not to recognize same-sex marriages if they choose not to. So that section of the bill is unnecessary.

But the other section of the bill, the section that defines marriage in Federal law for the first time and says to any State, "No matter what you do, whether you do it by referendum or by public decision or by legislative action, the Federal Government won't recognize a marriage contracted in your state if we don't like the definition. We are going to trample the States' rights," shows exactly where this bill is coming from. We are going to say those are second-class marriages because we overruled New York or Connecticut or Hawaii or whoever decides to do that.

Why do we want to start down the road of a Federal marriage law? This bill, Mr. Chairman, defends against a nonexistent threat. Marriages in this country are threatened by a 50 percent divorce rate, by drugs, by alcoholism, by gambling, by immaturity, by lots of things, but not by allowing gay or lesbian couples to formalize their relationships and pursue their happiness.

Mr. Chairman, this is a despicable bill, and I urge its defeat.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the institution of marriage is not a creation of the State. It is older than the government, older than the Constitution and the laws, older than the Union, older than the Western tradition of political democracy from which our Republic springs, and I think it is deeply rooted in the basic precepts of our civilization. It has been sanctified by all the great monotheistic religions and, in particular, by the Judeo-Christian religion which is the underpinning of our culture.

Mr. Chairman, it is an act of hubris to believe that marriage can be infinitely malleable, that it can be pushed and pulled around like silly-putty without destroying its essential stability and what it means to our society, and if marriage goes, then the family goes, and if the family goes, we have none of the decency or ordered liberty which Americans have been brought up to enjoy and to appreciate. That is what this bill is about.

I am going to deal just very briefly with two of the arguments that have been used against it. The one is that the bill is somehow against love or against loving or caring relationships. It is not. There are all kinds of loving

and caring relationships in America, and basically that is a good thing, and people can do that if this bill passes. We are not saying that people cannot do that. We are saying that the States should not be forced to give the imprimatur of legal sanction to those kinds of relationships, and to argue to the contrary is to say essentially the States have to recognize polygamy if it is loving relationships or adult incestuous marriages if it is a loving relationship, and what it shows is we are on a slope that leads to no standards and no relationships, as the gentleman from Georgia said, where marriage becomes meaningless.

The other argument that this bill is somehow divisive. Mr. Chairman, let us be frank here. There is a division that already exists in our society, a great gulf over how we ought to define marriage and what it means in terms of sexual morality. This bill does not create that. The people who are trying to attack marriage, the other side, is not saying they are being divisive. Why are we being divisive? Because we are trying to defend it.

The question is not whether there is a division. The question is which side of the division are my colleagues on and whether we are going to allow these issues to be worked out democratically in the States according to the democratic processes or whether we are going to have a resolution that is forced upon the States by the court.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I welcome the gentleman's support for the principle that the States should be able to work this out. When I offer an amendment tomorrow that would strike the part of the bill that would prevent the State from fully doing that, I will look for his support. But consistency might evaporate overnight.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Massachusetts for yielding. As one of the great leaders of human rights issues, I appreciate his time.

I cannot believe that we call ourselves lawmakers. I think we fail to ask ourselves what is broke here that needs fixing. Our country has just gone through 220 years without Federal law on marriages. Think about it. We do not have Federal a marriage license. People get married under State law. Some States allow people to marry cousins. Some States allow persons committing statutory rape to have the rape dropped if they marry the person. States do not regulate how many times someone can get married, they do not regulate how many times someone can get a divorce.

So why is this bill called the Defense of Marriage Act? It does not improve marriages, and it takes away States' rights.

This bill is not about marriage, because the Federal Government does not marry people. This bill is about mean-ness, it is about taking away States' right to enact a law that would allow an elderly man or an elderly woman, maybe a grandmother, even someone's grandfather, from receiving the benefits or giving benefits to a caretaker of the same sex who they may marry for only the reasons of being able to inherit property. It says that the only way someone can leave Social Security benefits or medical care benefits or Federal estate tax deductions is if they married someone of the opposite sex. Elderly people often live together with friends of the same sex. If a State wants to honor that arrangement for tax benefit purposes equal to marriage, this bill would ban it.

My wife and I have raised our daughter in a loving supportive relationship. Our daughter recently asked us, "Why is your generation so homophobic?" I told her that it was the last civil rights battle in America. She said, "I hope you solve it because our generation, it's no big deal."

Let us listen to our elderly, let us listen to our youth; make laws that help people, not hurt them. Reject this mean-spirited bill.

□ 1345

Women could not own property. There could not be marriage between the races. Many things change over time, Mr. Chairman. This, too, is going to change.

I would like to pay tribute, special personal tribute to the gentleman from Georgia [Mr. LEWIS], to Dr. King, to all those of both parties and no parties. There was nothing partisan about that movement; there is and ought never to be anything partisan about this, the final chapter in the history of the civil rights of this country.

I wish I could remember, I used to know the entirety of that "I Have a Dream" speech, but we will rise up and live out the full meaning of our Creator. It may not be this year and it certainly will not be this Congress, but it will happen. As I said earlier, we can embrace that change and welcome it, or we can resist it, but there is nothing on God's Earth that we can do to stop it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank my friend for yielding to me.

We are in a great debate. I would hope that people reading the CONGRESSIONAL RECORD, watching this debate, would compare the tone, the sensitivity, and the reaching out of my friend's words, and then read the earlier words of the gentleman from Oklahoma, the words which were denunciatory and denigratory of the gentleman from Massachusetts and myself, and I would hope that people would compare the

spirit of the approach, compare the attitude toward others, compare the way in which things are debated.

I would say, as someone who has been included in this denunciatory rhetoric, that I would be very satisfied to have people in forming their judgment listen to the words uttered by the gentleman from Oklahoma, and listen to the words of my friend, the gentleman from Massachusetts. I think we are helping people form a basis.

This notion that a loving relationship between two people of the same sex threatens relationships between two people of the opposite sex, that is what denigrates heterosexual marriage. The argument that we have denigrated marriage or the institution of marriage or any other formulation says that two people loving each other somehow threatens heterosexual marriage. That is what denigrates heterosexual marriage. I thank the gentleman for yielding.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlemen from Massachusetts have congratulated themselves on the tone and quality of the debate in opposition to this bill. We have heard in opposition to this bill the following words. We have heard that those who oppose same-sex marriage and those who support this bill are laughable. We have heard that it is a joke. We have heard it is based on prejudice. We have heard that it is mean-spirited, that the bill is cruel, that those who support it are bigoted, despicable, hateful, ignorant. Those are words that have been uttered here tonight. I believe the American people can make their own judgment about that.

I believe that those words are an insult to the American people, 70 percent of whom or more oppose same-sex marriages. Seventy percent of the American people are not bigots. Seventy percent of the American people are not prejudiced. Seventy percent of the American people are not mean-spirited, cruel, and hateful. It is a slander against the American people to assert that they are.

All this rhetoric is simply designed to divert attention from the fundamental issue involved here. It is an attempt to evade the basic question of whether the law of this country should treat homosexual relationships as morally equivalent to heterosexual relationships. That is what is at stake here: Should the law express its neutrality between homosexual and heterosexual relationships? Should the law elevate homosexual unions to the same status as the heterosexual relationships on which the traditional family is based, a status which has been reserved from time immemorial for the union between a man and a woman? Should we tell the children of America that it is a matter of indifference whether they establish families with a partner of the opposite sex or cohabit with someone

of the same sex? Should we tell the children of America that we a society believe there is no moral difference between homosexual relationships and heterosexual relationships? Shall we tell the children of America that in the eyes of the law, the parties to a homosexual union are entitled to all the rights and privileges and benefits that have always been reserved for a man and woman united in marriage?

To all of these questions the opponents of this bill say yes. They support homosexual marriage. They believe that it is a good thing. They believe opposition to same-sex marriage is immoral. That is their opinion. I respect their right to express that. They want to tell the children of America that it makes no difference whether they choose a partner of the opposite sex or a partner of the same sex. They want the law to be indifferent to such matters.

Although I respect the right of Members to express that sentiment, I vehemently disagree with it. Those of us who support this bill reject the view that such choices are a matter of indifference. In doing so, we have the overwhelming support of the American people. In doing so, we have the support of President Clinton. In doing so, I believe we will have the support of a majority of both parties in this House. I would urge the Members of the House to support this bill and to oppose all amendments that will be offered tomorrow.

Mr. CONYERS. Mr. Chairman, the ill-named "Defense of Marriage Act" is little more than a half-baked effort by the Republicans to find yet another issue which they can use to divide the country in a desperate search for votes, deep in an election year. Before we rush head long to judgment on yet another divisive social issue, we ought to at least consider the following:

There is no reason to act on this issue now. The Hawaii Supreme Court decision that the supporters of this bill are so fearful of took place way back in 1993. And the trial proceeding, which is expected to take place shortly, will be subject to appeal to the intermediate and State supreme court—no final binding decision is expected for two years at the earliest.

The States are completely free to act on their own on this issue without any help from Congress. It is black letter law that the States are free to reject marriages approved by other States which violate public policy. It is pursuant to this authority that States have invalidated marriages consummated in other States which are incestuous, polygamous, based on common law, and involve under-age minors. Ironically, by enacting this law, Congress will by implication be limiting the States' authority to reject other types of marriage which may be contrary to public policy.

The full "faith and credit" hook on which this bill is based is nothing less than a legal charade. The second sentence of the full faith and credit clause merely grants Congress the authority to specify how certain acts, records, and judicial proceedings may be authenticated. There is nothing in the full faith and credit clause which permits Congress to place a break on the application of sister States policies, as opposed to their judgments. Enacting



a law of the nature before us today would be nothing less than unprecedented.

Given these problems, why are we acting today? Why has a bill gone from introduction, to hearing, to subcommittee, full committee, and now the floor in a mere two month's time? The only possible answer is that Republicans are intent on creating a political issue completely out of thin air so they can demonize gay and lesbian individuals and further divide the American people. The Contract with America has been a flop, the Republican party is behind in the polls, and their leadership is desperately trying to manufacture "wedge" political issues. If there were any other reason, they would slow this bill down, wait for the courts and the State of Hawaii to act, and seriously analyze the legal implications of what they are doing.

Fortunately, I don't think the American people will be fooled by this legislative red herring. They want real solutions that improve their every day lives, not legislative placebos. This is legislation by mob rule and is wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am opposed to the rule for the so-called "Defense of Marriage Act". The rule allows only two amendments to this very unnecessary piece of legislation. In committee, an attempt by Congresswoman Schroeder and myself to include the words non-adulterous and monogamous to the definition of marriage in the bill was rejected and because this is a modified closed rule we cannot offer this change today.

No one can deny that the family as an institution has changed dramatically since the days when our own parents were children. Today, there is no single definition of family that applies to all individuals. A family may be made up of two parents and their children, grandparents caring for grandchildren, single mothers or single fathers raising their children, couples without children, foster parents and foster children, or individuals of the same-sex living together and sharing their lives as a couple, how their relationships are handled should be left to the states. This legislation takes the right of the states away.

We need to respect the human rights of all these American families. We should not make laws which are based on an antiquated notion of what constitutes a family. This unnecessary legislation patently disregards the 14th Amendment provision that provides equal protection under the law to all Americans. I believe this legislation has been rushed forward with little thought and reason.

As a wife and a mother, I believe in the human family. The institution of marriage should be cherished and respected, however, same-sex relationships allow human beings to express their attitude of caring for each other. Recognized same-sex relationships simply allow individuals living together and loving each other to be entitled to the rights associated with a loving and caring relationship.

This legislation would define marriage as "a legal union between one man and one woman as husband and wife". The word spouse would refer "only to a person of the opposite sex who is a husband or a wife."

Never before has the federal government attempted to define either marriage or spouse. This has, and continues to be, the role of the states and they have done it well for the past 200 years. It is beyond the responsibility of the federal government to define marriage and impose that definition on the states.

Furthermore, even if (as the bill's sponsors claim) the federal government needs to step in to clarify differing definitions between states, this legislation is premature. Same-sex marriage is not legal in any state. Hawaii is unlikely to decide the issue of same-sex marriage for at least two years, so this legislation attacks an issue which is not yet ripe. The only reasons to deal with it now is to make it a political controversy.

Finally, since we are being forced to consider this legislation, I do not see why we could not attach the Employment Non-Discrimination Act (ENDA) to this legislation. This long awaited legislation would extend federal employment discrimination protections to include sexual orientation, providing basic protection to ensure fairness in the workplace for Americans who are currently denied equal protection under the law. If we are going to consider this type of legislation a consideration of ENDA should be included. This rule does not allow for such a consideration. I urge my colleagues to vote down this rule. Thank you.

Mr. ENSIGN. Mr. Chairman, I rise in support of H.R. 3396, The Defense of Marriage Act.

The need to enact legislation to preserve the fundamental definition of matrimony as a union between one man and one woman is pressing and necessary. This legislation is not about mean-spirited antics or election year politics. A pending ruling by a Hawaii court could legalize same-sex marriages in that state. According to the Full Faith and Credit Clause of the Constitution, unless Congress says otherwise, the other 49 states in the Union would be required to abide by the Hawaii decision. Requiring the entire nation to discard the will of the clear majority of Americans undermines our democracy and would deny other states the opportunity to enforce laws banning the recognition of same-sex marriages.

The time-honored and unique institution of marriage between one man and one woman is a fundamental pillar of our society and its values. The Defense of Marriage Act does not deny citizens the opportunity—either through their elected representatives or ballot referendum—to enact legislation recognizing same-sex marriages or domestic partnerships within their own borders. The Defense of Marriage Act says that states should determine their own policy and that the federal government has a right to define who is entitled to benefit as a spouse. This legislation is consistent with the need to return power and decision making to the states where it rightfully belongs.

Mr. Chairman, I think it is important to carefully examine the issue of same-sex marriages and separate two fundamental issues. The first issue involves the question of whether individuals have a right to privacy and the choice to live as they see fit. I think most Americans, myself included, would agree that everyone should have the right to privacy. The second issue involves the question of whether all states must follow Hawaii's example, and has greater societal and constitutional implications than the issue of privacy. The Defense of Marriage Act addresses the second issue and does nothing to deny an individual his or her right to privacy.

During a time when the traditional two parent family is becoming the exception, I believe it is important to reaffirm our commitment to ensuring that moms and dads are encouraged and strengthened in the task of raising their children.

I urge my colleagues to support this legislation.

Mr. McDERMOTT. Mr. Chairman, I rise to marvel at the wisdom of Congress. We have done such a wonderful job over these past 2 years that we are ready to take on the awesome task of matchmaking for all citizens of the United States.

The legislation we are debating now dictates to them who they can love and spend their lives with in order to benefit from the rights guaranteed by the Constitution and the legal benefits of our laws—civil laws governing marriage and divorce that have previously been the province of the States.

Have we nothing better to do with our time?

Marriage is a personal matter. Marriage is about two people coming together to love and support each other. Why should Congress interfere in this very personal decision?

It was less than 30 years ago that our courts ruled it unconstitutional for the States to ban marriage between persons of different ethnic backgrounds. Have we learned so little in the last 30 years?

This bill has nothing to do with family values or protecting the institution of marriage. It is a political game to obscure the real issues behind the failure of marriages and to divide Americans in an election year.

It is an attempt to fan the coals of bigotry and hatred to try to gain a few votes. The institution of marriage will not be saved to strengthened by increasing hate between our citizens.

This is not a religious issue. Each of the numerous religions practiced in America is free to perform the rites of marriage in accordance with its tenets.

Many marriages between persons of the same gender have been blessed by their religions—in all 50 States. This is purely and simply a civil matter—whether the Federal Government should decide for its citizens which of these unions to recognize and with whom citizens may share their vows of marriage.

Nor is this a moral issue. The only moral question before us is whether it is moral to use this legislation to foster prejudice and misinformation among our citizens for political gain.

I suggest we turn our attention to creating conditions that foster relationships between people in which they care for each other. To quote Ecclesiastes 4:9–10, "Two are better than one. If one falls down, his friend can help him up."

The Reverend Billy Graham used that Biblical quote to justify marriage. Reverend Graham stated, "Nowhere is this truer than in marriage when sickness or other problems come. One of the reasons God has given marriage to us is for times like this."

It is with marriage that our society makes it a little easier to survive and obtain fulfillment.

Let's turn our efforts to making life a little easier for people by giving them all equal opportunities to love and help each other.

Let's also give them the freedom to decide for themselves who they would like for a partner in life. Let's not raise barriers to prevent our citizens from partaking equally in the rights guaranteed by our Constitution and legal benefits granted by our laws.

I urge my colleagues to vote against this narrow-minded legislation.

Mr. FLANAGAN. Mr. Speaker, because I believe it is necessary to attend the funerals of



two close and personal friends of mine, Illinois State Representative Roger T. McAuliffe, deputy majority leader of the Illinois House of Representatives, and Jack Williams, mayor of Franklin Park, I will unfortunately miss tomorrow's vote on H.R. 3396, the Defense of Marriage Act.

As member of both the House Committee on the Judiciary and its Subcommittee on the Constitution, both of which had jurisdiction over H.R. 3396, I have already twice voted in favor of the bill. Therefore, since I am not able to attend tomorrow's final consideration of H.R. 3396, it would be my intention to vote "aye" on final passage.

While I will not be present for tomorrow's vote, I have taken the necessary steps in arranging a "pair" with another member of the House who will also be absent. The pairing arrangement will offset our votes so that we may be absent without affecting the overall result. As it is customary, the name of my pair should appear in tomorrow's CONGRESSIONAL RECORD.

Mr. PACKARD. Mr. Speaker, in the history of our Country, marriage has never meant anything other than an exclusively heterosexual and monogamous institution. The fact that we have to take up legislation today to defend this precious institution is mind-boggling.

While the Defense of Marriage Act protects the rights of a State to decide for itself whether to recognize same-sex marriage entered into in a different State, we cannot ignore the larger issue—traditional family values. The very nucleus of family is marriage. Perhaps no other relation provides society with the benefits marriage does. We cannot allow the integrity of marriage to be broken down and destroyed.

We have seen throughout history, civilizations that have allowed the traditional bonds of family to be weakened—those civilizations have not survived. America has, and should always be a Nation that prioritizes traditional family values and the tradition of a one-man and one-woman marriage.

Mr. Speaker, it is time we stopped this assault on America's families and the sacred institution of marriage. I urge all of my colleagues to support this measure.

Mr. ABERCROMBIE. Mr. Speaker, today I rise to speak against H.R. 3396, the Defense of Marriage Act. The title of the bill is puzzling. What are we defending marriage against: divorce, domestic violence, adultery? Can anyone name a single married couple whose union would be strengthened or defended against harm by this legislation? With all the unresolved burning issues facing this institution, it is nothing short of incredible that we would be diverting time and energy away from questions like Medicare, the environment, and the economy on this matter.

Supporters of the bill point to what they claim is the danger of same-gender marriage. They say that if a court in Hawaii rules in favor of same-gender couples, other States will then have to give "full faith and credit" to the resulting marriages. I'm going to take this opportunity to concentrate on the traditions of our Nation, in particularly the rights of States and the Constitution of the United States. H.R. 3396 is an unnecessary intrusion into the State domain of family law. It tears at the fabric of our Constitution.

Historically, States have the primary authority to regulate marriage based upon the 10th amendment of the Constitution. The Supreme Court has supported this constitutional right. In *Aukerbrandt versus Richards*, 1992, the Court rules that "without exception, domestic relations has been a matter of state, not federal concern and control since the founding of the Republic."

It is also interesting to note that questions concerning the validity of an out-of-state marriage are generally resolved without reference to the "full faith and credit" clause of the U.S. Constitution. States traditionally recognize out-of-state marriages unless they have statutes prohibiting such a union. For example, polygamy is illegal in all States, and in most states certain incestuous marriages are illegal too. States can declare an out-of-state marriage void if it is against the state's public policy or if entered into with the intent to evade the law of the State.

Congress has invoked the "full faith and credit" clause only five times since the founding of the Republic. The three most recent instances have required each State to give child custody, child support, and protection orders of other States the same faith and credit it gives its own such orders. The Defense of Marriage Act differs in one critical aspect from the legislative enactment passed by the Congress under its full faith and credit power: H.R. 3396 permits sister States to give no effect to the laws of other States.

This is a novel and unconstitutional interpretation of the clause. According to a leading constitutional law scholar, Laurence H. Tribe, "the Constitution delegates to the United States no power to create categorical exceptions to the Full Faith and Credit Clause."

The Supreme Court just recently struck down a Colorado law that targeted gay and lesbians in *Romer versus Colorado*. This case suggests that the Supreme Court will rule legislation motivated by animus against gays and lesbians unconstitutional under the Equal Protection Clause of the 14th amendment unless the legislative classification bears a rational relationship to a legitimate State purpose. In other words, since H.R. 3396 targets a group of people due to their—in the words of Gary Bauer of the Family Research Council—"dangerous lifestyle and behavior," it is likely to be struck down by the courts. There is no dire urgency or compelling public interest to pass this measure, which is not only unnecessary but also likely to be found unconstitutional by the Supreme Court.

In addition, I find it hard to believe how many of my colleagues can justify their support of H.R. 3396 when they are also cosponsors of H.R. 2270. At least 37 Members of the House are cosponsors of both bills. H.R. 2270 would require the Congress to specify the source of authority under the U.S. Constitution for the enactment of laws. Where in article I or anywhere else in the Constitution is the Congress given authority to write a national marriage law? Maybe the sponsors of both bills don't see the contradiction. Maybe they just don't care.

Many on the other side of the aisle have been vocal and unceasing in their support for reversing the flow of power away from Washington and back to the States. Well, the laws governing marriage are traditionally and con-

stitutionally under the authority of the States. If there is any area of law to which States can lay a claim to exclusive authority, it is the field of family relations. How can someone reconcile being for States rights while at the same time taking away a basic, constitutional right given to States by the Framers of our Constitution? I strongly encourage my colleagues to allow the States to continue exercising their constitutional rights and not fan the flames of intolerance. As William Eskridge, Law Professor at Georgetown University, simply stated, "the reasons to hesitate before adopting this legislation are conservative ones: federalism, original intent and tradition."

Let us remember that the United States draws its strength from the enormous diversity to be found within the borders of our great Nation. Vote against The Defense of Marriage Act.

The CHAIRMAN. All time has expired for general debate.

Mr. CANADY of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3396) to define and protect the institution of marriage, had come to no resolution thereon.

#### GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3396, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN of Washington (at the request of Mr. ARMEY) for today and the balance of the week, on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) after 7:30 p.m. tonight, on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GUTIERREZ) to revise and